

***United States Court of Appeals
for the Second Circuit***



APPENDIX

76-2013

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

CIVIL ACTION NOS. 76-2013 - 76-2018 - 76-2045

MICHAEL HOLUP
CRAIG COPLEY
ARTHUR ANTHONY DeLORENZO

Plaintiffs - Appellants

v.

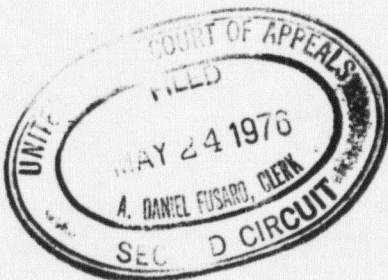
J. BERNARD GATES, Chairman,
Connecticut Board of Parole, ET AL

Defendants - Appellees

On Appeal from the United States District Court for the
District of Connecticut

APPENDIX TO APPELLEES' BRIEF

CARL R. AJELLO
ATTORNEY GENERAL
STEPHEN J. O'NEILL
ASSISTANT ATTORNEY GENERAL
340 Capitol Avenue
Hartford, Connecticut



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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ARTHUR ANTHONY DeLORENZO	:	
	:	
v.	:	CIVIL NO. H-75-416
	:	
J. BERNARD GATES, Chairman	:	
of the Connecticut Board	:	
of Parole, ET AL	:	

MEMORANDUM OF DECISION

The plaintiff, an inmate at the Connecticut Correctional Institution at Somers, Connecticut, has filed this action challenging the constitutionality of the procedures of the Connecticut State Board of Parole. The complaint states that the plaintiff has been denied his right to due process by the defendants, acting under color of state law. 42 U.S.C. Section 1983. Jurisdiction exists pursuant to 28 U.S.C. Sections 1343(3) and 1343(4).

The issues raised in the complaint have, however, been determined against the plaintiff in Haymes v. Regan, No. 75-2096 (2d Cir. Oct. 29, 1975); Menechino v. Oswald, 430 F.2d 403 (2d Cir. 1970), cert. denied, 400 U.S. 1023 (1971), and my decision in LaBonte v. Gates, No. 75-119 (D. Conn. Jan. 13, 1976). The plaintiff's claim is too insubstantial to compel the convocation of a three-judge court even though the plaintiff requests an injunction against the Parole Board. Cf. Andrews v. Maher, No. 75-7029 (2d Cir. Oct. 24, 1975).

Therefore, the action is dismissed for failure to state a claim upon which relief can be granted. Rule 12(b)(6), Fed. R. Civ. P.

SO ORDERED.

Dated at Hartford, Connecticut, this 15th day of January, 1976.

M. Joseph Blumenfeld

M. Joseph Blumenfeld
United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

ARTHUR ANTHONY DeLORENZO

:

v.

:

CIVIL ACTION NO. H-75-416J. BERNARD GATES, Chairman
of the Connecticut Board
of Parole, ET AL

:

:

JUDGMENT

The above-entitled action came on for consideration by the Court by
the Honorable M. Joseph Blumenfeld, United States District Judge;

And the Court having filed its Memorandum of Decision dismissing the
Plaintiff's Complaint for Failure to state a claim upon which relief can be
granted;

It is accordingly ORDERED and ADJUDGED that the Plaintiff's Complaint be
and is hereby dismissed.

Dated at Hartford, Connecticut, this 28th day of January, 1976.

SYLVESTER A. MARKOWSKI
Clerk, United States District Court

By: William D. Templeton
Deputy-in-Charge

November 17, 1975

Mr. Arthur DeLorenzo, 25979
Connecticut Corr. Institution
Somers

Dear Mr. DeLorenzo:

On November 6, 1975 you were denied parole following your hearing and were given the reasons for your denial. You were also informed that you would receive these reasons in writing.

Following your hearing you were informed that the reasons for your denial were (1) your extensive criminal history, including violent offenses; (2) the serious violent nature of the offense for which you are now serving your sentence.

The members of the panel noted that while you were in Escape status from a mental health treatment hospital you committed another offense.

Your next parole hearing will occur in September 1976.

Very truly yours,

J. Bernard Gates, Chairman
Connecticut Board of Parole

JBG:enf

BEST COPY AVAILABLE

Among the factors considered by the Board's panels in the parole decision process are:

1. The nature and circumstances of the inmate's offense and his current attitude toward it.
2. The inmate's prior criminal record and his parole adjustment if he has been paroled previously.
3. The inmate's attitude toward family members, the victim, and authority in general.
4. The inmate's institutional adjustment, including his participation and progress in the areas of the institutional program important to his self-improvement.
5. The inmate's employment history, his occupational skills, and his employment stability.
6. The inmate's physical, mental and emotional health.
7. The inmate's insight into the causes of his past criminal conduct.
8. The inmate's efforts to find solutions to his personal problems such as addiction to narcotics, excessive use of alcohol, the need of academic and vocational education, etc., and his use of the available resources related to such problems in the institutional program.
9. The adequacy of the inmate's parole plan. The latter includes the environment to which the inmate plans to return, the character of those with whom he plans to be associated, and the adequacy of his residence and employment program.

Defendants Exhibit A

CONNECTICUT BOARD OF PAROLE
340 CAPITOL AVENUE RM 326
HARTFORD, CONNECTICUT 06115

This is to inform you that your parole hearing will be held on the following date:

The Board of Parole does not hold interviews with families, friends, or attorneys on the date of the parole hearing. If you have relatives, an attorney, or others whom you wish to confer with the Chairman, they should arrange for such a conference by writing the Chairman at the above address, or by telephoning him at 566-4229 or 566-3014. We will endeavor to arrange a mutually convenient date and time for such conferences prior to the date of your hearing.

If you wish to provide the Board with written information, it should be sent to the Chairman, who will then provide the other Board members with copies prior to your hearing.

If you do not desire a parole hearing, please notify the Chairman immediately.

IMPORTANT: If you are transferred to a Correctional Center before your hearing date, please be sure the Center knows the date you are scheduled for your hearing, so transportation can be arranged.

Copies of the Board's Procedure Manual are in your Institution Library.

J. Bernard Gates, Chairman
Connecticut Board of Parole